

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

STEVEN D. GREENWOOD
Claimant

VS.

PAWNEE EXTRUSIONS, INC.
Respondent
Self-Insured

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Docket No. 189,059

ORDER

Claimant requests review of the Award entered by Administrative Law Judge John D. Clark dated September 12, 1995. The Appeals Board heard oral arguments on January 18, 1996.

APPEARANCES

Claimant appeared by his attorney, John L. Carmichael of Wichita, Kansas. The respondent, a self-insured, appeared by its attorney, Scott J. Mann of Hutchinson, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the stipulations of the parties are set forth in the Award.

ISSUES

The Administrative Law Judge denied claimant's request for benefits and found that claimant had failed to prove the deep venous thrombosis that he developed in his right leg was the result of an injury he sustained while working for the respondent. The claimant requested this review and asks the Appeals Board to review that finding. That is the sole issue on this review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds:

The Award of the Administrative Law Judge should be reversed and this case should be remanded to the Administrative Law Judge to determine the remaining issues.

The Appeals Board finds the deep venous thrombosis claimant developed in his right leg is a result of trauma to the shins that claimant experienced on or about November 9, 1993. This finding is based upon claimant's testimony, coupled with that of Drs. Maurice L. Duggins and Ernest R. Schlachter.

Dr. Duggins, a third-year family practice resident, testified that he saw claimant in the hospital emergency room on November 26, 1993 and at that time claimant told him that he had pain in his right leg for the past two weeks and thought it may have resulted from banging his shins at work. Dr. Duggins diagnosed deep venous thrombosis. Although the doctor did not determine the cause of the condition, he stated that it may have been caused by claimant's smoking, his being overweight or trauma. In addition, Dr. Duggins testified claimant's history is consistent with a patient who develops deep vein thrombosis as a result of trauma to the lower leg. On the other hand, Dr. Schlachter examined claimant and testified that he believes claimant sustained trauma to his shins that damaged the vein and, thus, caused the venous insufficiency. Dr. Schlachter is definite in his opinion. Although Dr. Schlachter initially believed claimant struck his leg on a plastic extruder plate on one occasion, when given the history that claimant may have had multiple traumas to his right shin, the doctor testified that multiple traumas would make claimant more susceptible to thrombophlebitis than a single incident of trauma.

Because the weight of the evidence indicates the claimant did sustain personal injury by accident arising out of and in the course of his employment with the respondent on or about November 9, 1993 that resulted in deep venous thrombosis, this case should be remanded to the Administrative Law Judge to determine the remaining issues.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge John D. Clark dated September 12, 1995, should be, and hereby is, reversed; that claimant has established that it is more probably true than not true that he sustained personal injury by accident arising out of and in the course of his employment with the respondent on or about November 9, 1993 that resulted in deep venous thrombosis; and that this case should be, and hereby is, remanded to the Administrative Law Judge to determine all remaining issues.

IT IS SO ORDERED.

Dated this ____ day of January 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Scott J. Mann, Hutchinson, Kansas
 John L. Carmichael, Wichita, Kansas
 John D. Clark, Administrative Law Judge
 Philip S. Harness, Director